dence. If the client has a criminal or fraudulent object in view in his communition with his counsel, one of those elements must necessarily be absent. If the object is avowed, the client does not consult his adviser professionally; if it is not disclosed, he reposes no confidence.

In a civil suit, the first test as to whether the communication involved a purpose which was or was not tainted with fraud is the issue as made by the pleadings in the cause.

Matthews v *Hoagland et al.* (Court of Chancery of New Jersey, May 25, 1891.)

LEGAL MISCELLANY.

A Case where Ignorance was Bliss.

A bill for a certain injunction had been pending in Chancery for some time, during which it had been several times argued in various phases, so that the Chancellor was quite familiar with the respective claims of the contesting parties, and the grounds upon which they were based. Before the trial hearing was had, a motion was made for the admission of additional testimony, and one day this was argued. Having heard much the same argument several times before, the Chancellor evidently did not pay very close attention to what counsel were saying, for when they had finished he announced his decision, refusing an injunction and dismissing the bill. When the Court had finished, and counsel for complainant had sufficiently recovered from the shock, they returned to point out that the only question they had intended to submit was the admission of further testimony. "Indeed," said the Chancellor, visibly annoyed at the prospect of having to take up the case again, "well then, gentlemen, you have the advantage of knowing my views on the subject."

Stewart *v.* Barringer.

It is not often that lawyers give vent to their sense of humor when drawing up a statement of their client's case, but that they sometimes do is evident from the case of *Stewart* v. *Barringer*, reported in 38 Pittsburgh Legal Journal, 235, which was an action to recover damages for the trespass of swine. The plaintiff having secured a verdict, an appeal was taken to the Supreme Court, and Chief Justice Paxson, in delivering the opinion, said: "According to the statement of the plaintiff the defendant kept a very voracious set of hogs. They were a slab-sided, long-snooted breed, against whose daily and nocturnal visits there is no barrier. They were of an exceedingly rapacious nature, and six of them, at one sitting, devoured fifty pounds of paints, thirty gallons of soft soap, four bushels of apples and five bushels of potatoes, the property of the plaintiff. They raided the plaintiff's spring-house, upset his milk crocks, and wallowed in his spring, and for several years foraged upon his corn, potato, rye and oats crops, and resorted to his garden, orchard and meadow. They obtained an entrance by rooting out his fence chunks, and going under, or by throwing down the fence, or by working the combination on the gate."

These hogs were greedy, and the plaintiff notified the defendant several times to shut them up, and the last time told him if he did not shut them up he would, and the defendant replied, "Shut them up and be d——d."

"It may be this statement is exaggerated," says the Chief Justice, "yet the jury have found that they were troublesome hogs," etc. And the verdict was sustained.